

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DLJ Mortgage Capital, Inc.

Plaintiff

vs.

Christopher M. Thonet, Dieuwertje W.
Thonet;
Concorde Acceptance Corporation

Defendants

Christopher Thonet, as trustee of The CT
DT LLC Trust, dated May 7, 2020 and
Dieuwertje W. Thonet, as trustee of The CT
DT LLC Trust, dated May 7, 2020;
Damariscotta Montessori School

Parties-In-Interest

CIVIL ACTION NO: 2:21-cv-00209-JDL

JUDGMENT OF FORECLOSURE AND
SALE

RE:

16 Union Court, Boothbay Harbor, ME
04538

Mortgage:

August 23, 2004

Book 3358, Page 174

Now comes the Plaintiff, DLJ Mortgage Capital, Inc., the Defendants, Christopher M. Thonet, Dieuwertje W. Thonet individually and as trustees of The CT DT LLC Trust, and Damariscotta Montessori School and hereby submit this Judgment of Foreclosure and Sale.

JUDGMENT on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay DLJ Mortgage Capital, Inc. ("DLJ Mortgage") the amount adjudged due and owing (\$252,756.96) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, DLJ Mortgage shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$159,594.80
Late Fees	\$0.07
Escrow Advance	\$18,153.81
Delinquent Interest	\$54,139.59
Corporate Advances	\$20,868.69
Grand Total	\$252,756.96

2. If the Defendants or their heirs or assigns do not pay DLJ Mortgage the amount adjudged due and owing (\$252,756.96) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Boothbay Harbor Property shall terminate, and DLJ Mortgage shall conduct a public sale of the Boothbay Harbor Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$252,756.96 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 10 of this Judgment, and in accordance with 14 M.R.S.A. § 6324. DLJ Mortgage may not seek a deficiency judgment against the Defendants based on their Chapter 7 Discharges and pursuant to the Plaintiff's waiver of deficiency.
4. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
5. The amount due and owing is \$252,756.96 and the Defendants are in default on the mortgage loan obligation.
6. Concorde Acceptance Corporation was named as a Defendant pursuant to a Mortgage, dated May 30, 2003, in favor of National American Bank, executed by Dieuwertje Thonet, in the amount of \$148,500.00, and recorded in the Lincoln County Registry of Deeds in Book 3071, Page 121, as affected by Assignment of Mortgage, dated June 6, 2003, from National American Bank to Concorde Acceptance Corporation, and

recorded in the Lincoln County Registry of Deeds in Book 3205, Page 219, which has been paid in full and is hereby discharged.

7. Concorde has defaulted and the Motion for Default Judgment as to Concorde [ECF 49] is hereby granted.
- 7 Defendant, Christopher M. Thonet, and Party-in-Interest, Christopher M. Thonet, as trustee of The CT DT LLC Trust, dated May 7, 2020, consented to Judgement of Foreclosure and Sale on May 11, 2023.
- 8 Defendant, Dieuwertje W. Thonet, and Party-in-Interest, Dieuwertje W. Thonet, as trustee of The CT DT LLC Trust dated May 7, 2020, consented to Judgement of Foreclosure and Sale on May 11, 2023.
- 9 Party-in-Interest, Damarsicotta Montessori School, consented to Judgement of Foreclosure and Sale on May 11, 2023.
- 10 The priority of interests is as follows:
 - DLJ Mortgage Capital, Inc. has first priority, in the amount of \$252,756.96, pursuant to the subject Note and Mortgage.
 - Defaulted Party-in-Interest Damariscotta Montessori School has the second priority behind the Plaintiff pursuant to a Writ of Execution dated August 19, 2013, in the amount of \$5,466.98, and recorded in the Lincoln County Registry of Deeds in Book 4701, Page 189.
 - Christopher M. Thonet, as trustee of The CT DT LLC Trust, dated May 7, 2020; and Dieuwertje W. Thonet, as trustee of The CT DT LLC Trust dated May 7, 2020, have the third priority behind the Plaintiff pursuant to a Quitclaim Deed recorded in the Lincoln County Registry of Deeds in Book 5521, Page 279.
 - Christopher M. Thonet, and Dieuwertje W. Thonet, individually, have the fourth

priority behind the Plaintiff.

9. The prejudgment interest rate is 5.62500%, see 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 10.69%, pursuant to 14 M.R.S.A. § 1602-C (The one year United States Treasury bill rate is the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last full week of the calendar year immediately prior to the year in which post-judgment interest begins to accrue-December 2022, 4.69% plus 6% for a total post-judgment interest rate of 10.69%).
- 10 The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	DLJ Mortgage Capital, Inc.	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Concorde Acceptance Corporation 7929 Brookriver Drive, Suite 500 Dallas, TX 75247	Defaulted
	Christopher M. Thonet 175 Heath Road Saco, ME 04072	c/o Thomas A. Cox, Esq. P.O. Box 1083 Yarmouth, Maine 04096
	Dieuwertje W. Thonet 175 Heath Road Saco, ME 04072	c/o Thomas A. Cox, Esq. P.O. Box 1083 Yarmouth, Maine 04096
PARTIES-IN-INTEREST	Damarsicotta Montessori School 93 Center Street Nobleboro, ME 04555	Pro Se
	Christopher Thonet, as trustee of The CT DT LLC Trust, dated May 7, 2020 175 Heath Road Saco, ME 04072	c/o Thomas A. Cox, Esq. P.O. Box 1083 Yarmouth, Maine 04096
	Dieuwertje W. Thonet, as trustee of The CT DT LLC Trust, dated May 7, 2020 175 Heath Road Saco, ME 04072	c/o Thomas A. Cox, Esq. P.O. Box 1083 Yarmouth, Maine 04096

- a) The docket number of this case is No. 2:21-cv-00209-JDL.
- b) All parties to these proceedings received notice of the proceedings in accordance

with the applicable provisions of the Federal Rules of Civil Procedure.

- c) A description of the real estate involved, 16 Union Court, Boothbay Harbor, ME 04538, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 16 Union Court, Boothbay Harbor, ME 04538. The Mortgage was executed by the Defendants, Dieuwertje W. Thonet and Christopher M. Thonet on August 23, 2004. The book and page number of the Mortgage in the Lincoln County Registry of Deeds is Book 3358, Page 174.
- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an *in rem* judgment against the property, 16 Union Court, Boothbay Harbor, ME 04538.

SO ORDERED

DATED THIS 15th DAY OF MAY, 2023

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE